

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Lamond Johnson,
Plaintiff

v.

Case No. 1:12-cv-216

C/O Mel Smith, et al.,
Defendants

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed May 16, 2012 (Doc. 9).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's claims against defendants Medical Department, Gary C. Mohr, Use of Force Committee, Highway State Patrol, William Bauer and all defendants named in their official capacities are **DISMISSED** on the ground that they fail to state a claim upon which relief may be granted under 42 U.S.C. § 1983. See 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Plaintiff's failure to investigate claims against defendants Mahlman, Smith, Anderson, and Joseph are also **DISMISSED**.

The Court finds that plaintiff has alleged sufficient facts to state a claim for excessive force against defendants Anderson and Smith; failure to protect against

defendants Joseph, Anderson and Smith; and that defendants Joseph, Smith, Mahlman, and Anderson conspired to conceal and cover up the assault, and these claims may proceed.

SO ORDERED.

Date: June 12, 2012

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court